

# Notice of Allowability

Application No.

09/737,968

Examiner

Kelly L. Jerabek

Applicant(s)

SUGIMOTO ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed 10/27/2006.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

**Claims 1-26 are allowed.**

The following is an examiner's statement of reasons for allowance:

Re claim 1, the prior art fails to teach or suggest, "A device and for forming an image of a subject, the device comprising: (a) a focusing lens having an optical axis, with the focusing lens being movable along the optical axis for focusing an image of the subject at an imaging position; (b) a motor connected to the focusing lens, operable for causing the focusing lens to move along the optical axis; (c) an image sensor having a sensing surface located at the imaging position, which produces electronic information in accordance with images on the sensing surface; and (d) a central processing unit electronically connected to the image sensor and receiving electronic information from the image sensor, and electronically connected to and controlling the motor, the central processing unit having a memory and program logic, in which the program logic in accordance with predetermined conditions stored in the memory, the predetermined conditions having been set in advance, determines a starting point of a search of one of two directions of search from the start point for an in-focus position of an image of the subject on the imaging position, and control operation of the motor to move the focusing

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lens to the start point, and to move the focusing lens from the start point in the determined direction of search until an in-focus position is reached based on analyzing electronic information received from the image sensor, **wherein the predetermined conditions are photographic modes including at least a close-up mode, a landscape mode and a night scene mode**".

Re claim 8, the prior art fails to teach or suggest, "A focusing method for use in an imaging device for focusing an image of a subject at an imaging position using a focusing lens movable along an optical axis, the method comprising the steps of: (a) determining, in accordance with predetermined conditions, the predetermined conditions having been set in advance, a start point from which to move the focusing lens along the optical axis in searching for an in-focus position and one of two directions of search from the start point; (b) positioning the focusing lens at the start point; and; (c) moving the focusing lens along the optical axis from the start point in the determined direction of search, searching for an in-focus position, **wherein the predetermined conditions are photographic modes including at least a close-up mode, a landscape mode and a night scene mode**".

Re claim 15, the prior art fails to teach or suggest, "A computer program product for using in focusing an image of a subject at an imaging position in an imaging device having a computer, wherein the computer controls movement of a focusing lens along an optical axis, the product comprising a recording medium having recorded thereon

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electronically readable information which, when used to program the computer, causes the computer to: (a) determine, in accordance with predetermined conditions, the predetermined conditions having been set in advance, a start point from which to move the focusing lens along the optical axis in searching for an in-focus position and one of two directions of search from the start point; (b) position the focusing lens at the start point; and; (c) move the focusing lens along the optical axis from the start point in the determined direction of search, searching for an in-focus position, **wherein the predetermined conditions are photographic modes including at least a close-up mode, a landscape mode and a night scene mode**".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on **(571) 272-7304**. The fax phone

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number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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